



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

May 20, 2021

VIA ECF

Hon. John G. Koeltl
United States District Judge
United States District Court
500 Pearl Street
New York, New York 10007

ADJOURNED TO TUESDAY, JULY 6,
2021, AT 3:00PM.

SO ORDERED

5/20/21 [Signature] ✓ S O J

Re: *Lyons v. United States Citizenship and Immigr. Servs., et al.*, No. 21 Civ. 3661 (JGK)

Dear Judge Koeltl:

This Office represents the government in the above-referenced mandamus action. The parties are scheduled to appear before Your Honor for an initial pretrial conference on June 4, 2021. I write respectfully, with the consent of plaintiff's counsel, to request an adjournment of the initial pretrial conference until a date convenient for the Court after the government's response to the complaint is due.

This is a mandamus action in which the plaintiff seeks an order compelling U.S. Citizenship and Immigration Services ("USCIS") to adjudicate his Petition for Alien Entrepreneur (Form I-526). The plaintiff served the government on May 3, 2021, and so the government's response to the complaint is due on July 2, 2021, pursuant to Rule 12(a)(2) of the Federal Rules of Civil Procedure. USCIS is still investigating the matter, and the government will be unable to determine its position in this litigation until USCIS has completed its review. Thus, the government respectfully submits that an initial pretrial conference, before the government's deadline to respond to the complaint, would be premature. Accordingly, I respectfully request an adjournment of the pretrial conference until a date after the government's response to the complaint is due, to allow sufficient time for USCIS to review the file and for the government to determine how to proceed. This is the government's first request to adjourn the conference, and plaintiff's counsel consents to this request.

I thank the Court for its consideration of this request.

Respectfully,

AUDREY STRAUSS
United States Attorney

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cc: Counsel of Record (via ECF)